

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

ANNIE OPHELIA JEFFERY

PLAINTIFF

v.

Civil No. 06-2164

PAUL SMITH, Detective, Fort  
Smith Police Department; JUDGE  
JAMES MARSCHEWSKI;  
STEPHEN TABOR, Prosecuting  
Attorney; and the FORT SMITH  
POLICE DEPARTMENT

DEFENDANTS

**REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE**

On September 13, 2006, the plaintiff filed this civil rights complaint. She proceeds pro se and *in forma pauperis*.

On November 11, 2006, the court entered an order (Doc. 6) directing the plaintiff to complete, sign, and return a questionnaire that would be filed as an addendum to her complaint. The addendum was to be returned by November 28, 2006 (Doc. 6).

The questionnaire was mailed to the plaintiff at the Sebastian County Detention Center. Plaintiff was incarcerated there when she filed this lawsuit.

On November 16, 2006, the court's order and attached questionnaire were returned as undeliverable. The envelop contained a notation that Jeffery was no longer at the Sebastian County Detention Center. When Jeffery was booked in, she provided officials at the detention center with a home address. The court therefore entered a change of address using the address Jeffery provided to detention center personnel (Doc. 7).

The clerk was directed to re-mail to the plaintiff any pleadings or correspondence which may have been returned as undeliverable. A docket entry indicates the court's order and

addendum were re-mailed to the plaintiff. On December 6, 2006, the court's order and attached addendum were once again returned as undeliverable.

There is no other address available for the plaintiff. The plaintiff has not contacted the court since she filed her complaint in September. All documents sent by the court to the plaintiff at two separate addresses since November 6th have been returned as undeliverable. I therefore recommend that this case be dismissed based on the plaintiff's failure to prosecute the case and her failure to obey an order of the court. Fed. R. Civ. P. 41(b).

**Jeffery has ten days from receipt of the report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. Jeffery is reminded that objections must be both timely and specific to trigger de novo review by the district court.**

DATED this 13th day of December 2006.

/s/ Beverly Stites Jones  
UNITED STATES MAGISTRATE JUDGE